



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/752,204 | 12/29/2000 | Michael Ray Crabtree | YOR920000652US1 | 9101 |

7590 06/18/2003

Blanche E. Schiller, Esq.
HESLIN & ROTHENBERG, P.C.
5 Columbia Circle
Albany, NY 12203

EXAMINER

AKERS, GEOFFREY R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3624

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--------------------------------|---------------------------------|--------------------------------|-----------------------------|
| <h1>Office Action Summary</h1> | Application <u>09/752204</u> | Applicant(s) <u>Cusbtse</u> | |
| | Examiner <u>Alex, J</u> | Art Unit <u>3624</u> | Confirmation No. <u></u> |

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 4/15/03
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☐ Claim(s) _____ is/are pending in this application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Art Unit: 3624

DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Amendment A(Paper #5) filed 4/15/03.
2. Claims 1,2,6,12,14,15,17,20,22,24,32-35,39,45,47,48,50,53,55,57,65-70,74,80,82,83,85,88,90,92,100-101 were amended. New claim 102 was added. None were cancelled. All independent claims were amended.
3. Claims 1-102 as amended, are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-102 as amended, are rejected under 35 USC 103(a) as unpatentable over Barnes(US Pat. No:5,970,475) in view of Meltzer(US Pat. No: 6,125,391) in view of Takriti(US Pat. No: 6,021,402) and further in view of Rosen(US Pat. No: 6,205,436).
6. As per claims 1-102, Barnes teaches a method for facilitating the exchange of goods/services(Abstract)(Fig 1)(Fig 2) utilizing the Internet(Fig 1)(Fig 6B) and utilizing a third party trusted authority(Fig 3/54) incorporating suppliers and buyers(Fig 6B/106)(Fig 6A/84/78) incorporating a bank and a clearing mechanism(Fig 6A/50/18) as well as an invoicing

Art Unit: 3624

mechanisms(Fig 10)(Fig 11)(Fig 22)(Fig 23)(Fig 24) and approved suppliers(Fig 16).Meltzer teaches a transaction network consisting of multiple trading partners(Fig 1) and a trading apparatus(Fig 3) as well as an attribute characterizatrion and bid builder(Fig 7/700) utilizing product identifiers from OEMs(Fig 8/820) and bidding by RFQs(Fig 8/813) including market maker mechanisms(Fig 11/1105).Takriti teaches a buy/sell model(Abstract)(Fig 1A)(Fig 1B)(Fig 2)(Fig 3)(Fig 12)(Fig 14)(Fig 15) for a commodity(col 5 line 65-col 10 line 3).Rosen teaches a system for open electronic commerce employing trusted agents(Abstract)(Figs 1-44B)(col 4 lines 6-46). It would have been obvious to one skilled in the art at the time of the invention to combine Barnes in view of Meltzer to teach part of the above. The motivation to combine is to teach a method for connecting business, customers suppliers and trading partners together as enunciated by Meltzer(col 2 lines 32-34).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Barnes in view of Meltzer and further in view of Takriti to teach part of the above. The motivation to combine is to teach a computer risk management model for scheduling the generation and (sale) of a commodity to buyer-consumers as enunciated by Takriti(col 4 lines 50-53) as applied to a commodity-based transaction.Finally, it also would have been obvious to one skilled in the art at the time of the invention to combine Barnes in view of Meltzer in view of Takriti and further in view of Rosen to teach all of the above. The motivation to combine is to teach a computer-implemented secure electronic real-time transaction system between sellers and buyers over remotely located electronic networks for open electronic commerce using trusted agents as enunciated by Rosen(col 2 lines 10-24).

Art Unit: 3624

Response to Arguments

7. Applicant's arguments with respect to claims 1-102 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 69-101 are further rejected under 35 USC 101 for failing to define a functionality comprising a concrete and tangible result.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

Art Unit: 3624

will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

~~June 16, 2003~~

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER